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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GERARDO LACOURT,

Plaintiff,

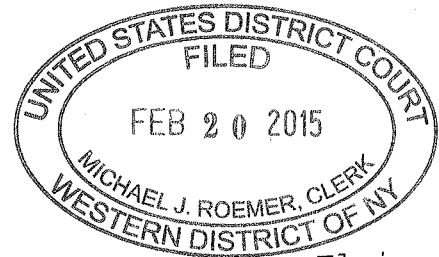
-v-

14-CV-0183S

ORDER

MS. LAVELL C. JONES, Transplant Coordinator,
Upstate Medical University;
M.D. MARSHALL TRABOUT, Medical Doctor,
Elmira Correctional Facility,

Defendants.



Plaintiff, Gerardo Lacourt, an inmate at the Elmira Correctional Facility ("Elmira"), initially filed this pro se civil rights action under 42 U.S.C. § 1983 in the Northern District of New York and asserted claims against the two above-referenced defendants, Lavell C. Jones, Elmira Transplant Coordinator at Upstate Medical Center, Syracuse, New York, and Dr. Trabout, Elmira, arising out of his confinement at Elmira, and a third defendant, Dr. Dinello, arising out of plaintiff's confinement at Cayuga Correctional Facility. (Docket No. 11, Decision and Order ("Transfer Order"), at 2. The Northern District of New York severed the claims against Jones and Trabout and transferred them to this District inasmuch as they arose out of plaintiff's confinement at Elmira, which is located within this District. (*Id.*, at 2-4.) The claim against Dinello remained in the Northern

District and, pursuant to the Transfer Order, plaintiff filed an amended complaint.¹ (Docket No. 11.)

Plaintiff alleges that he suffers from kidney failure based on being provided high blood pressure medication while he was incarcerated at Cayuga and that he undergoes dialysis treatment at Elmira three days each week. He has been transported to local hospitals on a number of occasions under life-threatening conditions because dialysis is not working. Plaintiff further alleges that between 2012 and the filing of the amended complaint defendants Dr. Trabout and Jones have refused to locate a kidney donor for him despite being informed that his brother, who is also incarcerated within the New York State Department of Corrections and Community Supervision, has offered to be a donor.

The Clerk of the Court is directed to cause the United States Marshal to serve copies of the Summons, Amended Complaint, and this Order upon defendants Marshal Trabout, M.D., Elmira Correctional Facility, and Lavell C. Jones, Transplant Coordinator, Elmira Correctional Facility, Upstate Medical Center, without plaintiff's

¹The Transfer Order, after severing and transferring the claims against Jones and Trabout, found that the claims against Dinello that remained in the Northern District failed to state a claim upon which relief can be granted and plaintiff was granted leave to amend the complaint against Dinello. Plaintiff's filed an amended complaint, as directed, but it was brought against all three defendants. The amended complaint was forwarded to this Court by plaintiff.

payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.²

The Clerk of the Court is also directed to forward a copy of this Order by email to Michael Russo, Assistant Attorney General in Charge, Buffalo Regional Office <Michael.Russo@ag.ny.gov>.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

The Clerk of the Court is also directed to terminate Dr. Dinello as a party to this action in this Court.

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESKA
United States District Judge

Dated: February 18, 2015
Rochester, New York

²Pursuant to a Standing Order of Court, filed September 28, 2012, a defendant will have 60 days to file and serve an answer or other responsive pleading, see Fed.R.Civ.P. 12(a)-(b), if the defendant and/or the defendant's agent has returned an Acknowledgment of Receipt of Service by Mail Form within 30 days of receipt of the summons and complaint by mail pursuant to N.Y.C.P.L.R. § 312-a.